

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

FILED BY *JK* D.C.  
05 JUL 22 AM 9:41

DANNY EVANS,

Plaintiff,

v.

No. 04-2790 B

GRINDER & HAISLIP  
CONSTRUCTION,

Defendant.

THOMAS M. GOULD  
CLERK, U.S. DISTRICT COURT  
W/D OF TN, MEMPHIS

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SECOND ORDER DIRECTING PLAINTIFF TO EFFECT PROPER SERVICE  
OF COMPLAINT

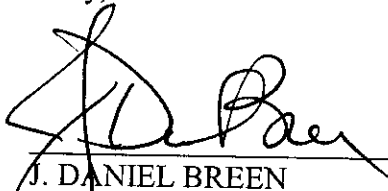
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On March 23, 2005, the Defendant, Grinder & Haislip Construction ("Grinder") moved to dismiss the complaint filed by pro se Plaintiff, Danny L. Evans, for insufficient service pursuant to Rules 12(b)(4) and 12(b)(5) of the Federal Rules of Civil Procedure (the "Federal Rules") or, in the alternative, to quash service. In an order entered April 28, 2005, the Court denied the motion but directed the Plaintiff, who had not responded thereto, "to effect proper service upon the Defendant, in accordance with the Federal Rules of Civil Procedure, within 30 days of the entry of this order." (Order Denying Def.'s Mot. to Dismiss and Directing Pl. to Effect Proper Service at 2.) On June 10, 2005, the Defendant renewed its motion to dismiss, arguing that, although it received from the Plaintiff relevant documents filed in this matter, the complaint forwarded to it was not the same complaint filed with the Court. Clearly, the "Complaint of Discrimination and Wrongful Dismissal," a copy of which Grinder has provided to the Court and which its representative claims in her affidavit was received from the Plaintiff, has not been filed in this matter. As was the case with the previous motion to dismiss, the Plaintiff has not responded to the renewed motion, even though the

time for such response has expired.

First, if the Plaintiff wishes to amend his complaint, he must do so by making the appropriate filings with the Court as are required by the Federal Rules. Second, he must serve on the Defendant the last complaint filed and entered on the Court's docket. The Plaintiff is hereby DIRECTED to effect proper service of the complaint upon Grinder as provided for herein within twenty (20) days of the entry of this order. Evans is admonished that the service ordered herein must comply with the Federal Rules. Moreover, the Plaintiff is once again cautioned that failure to heed the Court's directives may result in dismissal of his lawsuit.

IT IS SO ORDERED this 21<sup>st</sup> day of July, 2005.

  
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J. DANIEL BREEN  
UNITED STATES DISTRICT JUDGE



## Notice of Distribution

This notice confirms a copy of the document docketed as number 17 in case 2:04-CV-02790 was distributed by fax, mail, or direct printing on July 25, 2005 to the parties listed.

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Honorable J. Breen  
US DISTRICT COURT